

COPY

NAME: <b>STEVEN BUCKSON</b>		FILED SCRANTON MAY 29 2001 PER <u>ym</u> CLERK
ADDRESS: U.S.P. Lewisburg P.O. Box 1000 Lewisburg, P.A. 17837		
or PLACE OF CONFINEMENT & PRISON NUMBER		
Note: If represented by an attorney, his name, address & telephone number  Note: It is your responsibility to notify the Clerk of the Court, in writing of any change of address		
<b>1 : C : 01 0935</b> <i>United States District Court</i>		
STEVEN J. BUCKSON FULL NAME: (Include name under which you were convicted) <i>Petitioner,</i>		CASE NO: <b>F10993-88E</b> (To be supplied by the clerk of the United States District Court)
U.S. Parole Commission vs. Don Romine NAME OF WARDEN (or other authorized person having custody of petitioner) <i>Respondent.</i>		PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN FEDERAL CUSTODY 28 U.S.C. § 2241

## INSTRUCTIONS - READ CAREFULLY

This petition shall be legibly handwritten or typewritten, signed by the petitioner, under penalty of perjury. You must set forth *CONCISELY* the answer to each question in the proper space on the form. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.

You must not attach separate pages to this except that *ONE* separate additional page is permitted in answering Question No. 9.

Upon receipt of a fee of \$5.00, your petition will be filed if it is in proper order.

If you are seeking leave to proceed in forma pauperis (without paying the \$5.00 fee and other court costs), then you must also execute the declaration on the last page, setting forth information which establishes your inability to pay the fees and cost of the proceedings or to give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as required by the rule of the district court.

When the petition is completed, the *original and two copies* must be mailed to the Clerk of the United States District Court for the

Only one sentence, conviction or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petitions.

Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PLEASE COMPLETE THE FOLLOWING: (check appropriate number)

This petition concerns:

1. ☐ a conviction
2. ☐ a sentence
3. ☐ jail or prison conditions
4. ☐ prison discipline
5. ☒ a parole problem
6. ☒ other

Concerning, The Rehabilitation Act of 1997 and D.C. Code 24-209,  
and Violation of the Ex post Facto.

## PETITION

1. Place of confinement Levensburg Penitentiary / Federal Institute
2. Name and location of court which imposed sentence D.C. Superior Court  
Washington D.C.
3. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed:
  - (a) Kidnapping Non-Mandatory 15 To Life
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
4. The date upon which sentence was imposed and the terms of the sentence:
  - (a) 6-8-99, Non-Mandatory
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
5. Check whether a finding of guilt was made:
  - (a) ☒ After a plea of guilty
  - (b) ☐ After a plea of not guilty
  - (c) ☐ After a plea of nolo contendere
6. If you were found guilty after a plea of not guilty, check whether that finding was made by:
  - (a) ☐ a jury
  - (b) ☐ a judge without jury
7. Did you appeal from the judgment of conviction or the imposition of sentence?
 

☒ Yes ☐ No
8. If you did appeal, give the following information for each appeal:
  - (a)(1) Name of Court D.C. Superior Court of Appeals
  - (2) Result denied
  - (3) Date of Result 1993
  - (4) Citation or number of opinion Unknown

(5) Grounds Raised (list each)

23-110, Motion of ineffectual Counsel.

(A) \_\_\_\_\_

(B) \_\_\_\_\_

(C) \_\_\_\_\_

(D) \_\_\_\_\_

(b)(1) Name of Court D.C. Superior Court(2) Result denied(3) Date of result 1991(4) Citation or number opinion Unknown at this time!

(5) Grounds raised (list each)

(A) Withdrawal of Guilty Plea / Ineffective Counsel!

(B) \_\_\_\_\_

(C) \_\_\_\_\_

(D) \_\_\_\_\_

CAUTION: If you are attacking a sentence imposed under a federal judgment, you must first file a direct appeal or motion under 28 U.S.C. § 2255 in the federal court which entered judgment.

9. State *CONCISELY* every ground on which you claim that you are being held unlawfully. Summarize briefly the *facts* supporting each ground. If necessary, attach a SINGLE page only behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional ground at a later date.

(a) Ground One See attached Motion!Supporting *FACTS* (tell your story *BRIEFLY* without citing cases or law).

CAUTION: You must state *facts not conclusions* in support of your grounds. A rule of thumb to follow is - who did exactly what to violate your rights at what time or place.

See attached Motion!

(b) Ground Two \_\_\_\_\_

Supporting *FACTS* (Tell your story *BRIEFLY* without citing cases or law).

(c) Ground Three \_\_\_\_\_

Supporting *FACTS* (Tell your story *BRIEFLY* without citing cases or law).

(d) Ground Four' \_\_\_\_\_

Supporting *FACTS* (Tell your story *BRIEFLY* without citing cases or law).

10. Have you ever filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction?  
☐ Yes ☒ No

11. If your answer to Question No. 10 was yes, give the following information:

- (a)(1) Name of Court \_\_\_\_\_  
 (2) Nature of proceedings \_\_\_\_\_  
 (3) Grounds raised \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (4) Result \_\_\_\_\_  
 (5) Date of Result \_\_\_\_\_  
 (6) Citation or numbers of any written opinions or orders entered pursuant to each disposition.  
 \_\_\_\_\_

- (b)(1) Name of Court \_\_\_\_\_  
 (2) Nature of proceedings \_\_\_\_\_  
 (3) Grounds raised \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (4) Result \_\_\_\_\_  
 (5) Date of Result \_\_\_\_\_  
 (6) Citation or numbers of any written opinions or orders entered pursuant to each disposition.  
 \_\_\_\_\_

12. If you did not file a motion under Section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention.

*I never got an answer! I filed an Complaint  
 Under writ of Habeas Corpus 42 U.S.C. 1983 in February  
 2000. In The United States District Court in Washington  
 D.C.*

13. Are you presently represented by counsel? ☐ Yes ☒ No

If so, name, address and telephone number \_\_\_\_\_

Case name and court \_\_\_\_\_

14. If you are seeking leave to proceed in *forma pauperis*, have you completed the declaration setting forth the required information?

☒ Yes

☐ No,

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

Steven Buckron

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_

May 20, 2001  
(date)

Steven J. Buckron

Signature of Petitioner

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN BUCKSON,  
PETITIONER.

DOCKET.NO# \_\_\_\_\_

-VS-

DON ROMINE, WARDEN.  
U.S. PAROLE COMMISSION.  
RESPONDENTS.

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PETITION FOR WRIT OF HABEAS CORPUS  
BY A PERSON IN FEDERAL CUSTODY  
28 U.S.C. §2241

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Now Comes Petitioner Steven Buckson, and do by motion this Honorable Court for Summary judgment in favor of the petitioner as of now petitioner's rights has been violated under Ex Post Facto doctrine and Article I § 10 of the United States Constitution.

STATEMENT OF CASE.

In referance of this motion, this is concerning the matter of the Revitalization Act of 1997. Petitioner has been incarcerated since 1988 and sentence under the old D.C. Code Offender Department Order § 4340.2 §24-209. Petitioner's sentence is an none-mandatory 15 to life sentence. Petitioner is not a federal prisoner, he is only housed in the federal system serving the continuence of his minimum sentence.



After Petitioner's parole hearing on September 21, 1998. He was placed under the New Revitalization Act of 1997. By the United States Parole Commission using this New Revitalization Act of 1997, on the Petitioner allowed the parole commission to give the petitioner a continuence after serving 60 months. Which is an harsher penalty than petitioner's old law guidelines. In addition to the stated under the D.C. Parole guidelines § 24-209 (A), Petitioner is obligated to have an reconsideration hearing every 24-months to determine a release date. (See... Legislator history: 1134). Petitioner was scheldule in May 7, 2001 to have an reconsideration hearing, But due to the New Revitalization Act of 1997, has an another subpart that was just handed down in May 7, 2001, restricted the petitioner from receiving a reconsideration hearing.

#### ARGUMENT I.

**WHETHER PETITIONER'S DUE-PROCESS OF LAW WAS DENIED WHEN THE UNITED STATES PAROLE COMMISSION PLACED THE PETITIONER UNDER THE NEW REVITLIZATION ACT OF 1997. WHICH SUBJECTED THE PETITIONER TO AN HARSHER PAROLE GUIDLINE RANGE AND VIOLTED THE LAW OF EX-POST-FACTO.**

According to the D.C. Code 24-204. and Cosgrove v. Similarity In Guidelines, Johnson v. Willifard, 821 F. 2d 1279, 1285 (7th Cir. 1987), Cosgrove v. Smith, 697 F.2d 1125, 1133 (D.C. Cir. 1983). This is a clear violation of ex-post-facto, for the parole commission to place petitioner under the New Revitalization Act of 1997, when petitioner's offense was convicted on or about 1988. This law is only to be applied to defendants thats convicted on or after August

5, 1998. See the conclusion of Cosgrove v. Thornburgh, 703 F.Supp. 995 (D.D.C 1988), Congress intended in enacting § 24-209, that all of the laws and regulations applied by the D.C. Board of parole be utilized by the United States Parole Commission as well. Moreover, D.C. Circuit has held that parole guidelines have the force of law and thus are part of the power of authority vested in the D.C. Parole Board and granted to the United States Parole Commission pursuant to § 24-209.6 accordingly, they must be applied to D.C. Code offenders incarcerated in the federal system.

For all the foregoing reasons stated above petitioner hereby request this Honorable court find by the United States Parole Commission placing petitioner under the New Revitalization Act law, which subjected him to a harsher guideline range than the old D.C. Code Offender Law, violated "ex-post-facto" law and Article I §10 of the United States Constitution.

Petitioner swears under penalty of perjury that of the information contained within this motion is true and correct to the best of his knowledge and belief.

RESPECTFULLY SUBMITTED

Steven Buckson

MR. STEVEN BUCKSON, PRO-SE.  
REG. NO# 00575-007

## CERTIFICATE OF SERVICE

I, STEVEN BUCKSON, PETITIONER., hereby certify, under the penalty of perjury, that I have mailed a true copy of the foregoing document(s) to those listed below at the address listed with the proper amount of first class postage prepaid by placing same in the institutional legal mailbox at the United States Penitentiary at Lewisburg, Pennsylvania this 21 day of May, 2001

This same day I have mailed in the same way an original and 2 copies of the foregoing documents(s) to the Clerk of the Court.

CC:  
UNITED STATES PAROLE COMMISSION.

RESPECTFULLY SUBMITTED  
Steven Buckson  
MR. STEVEN BUCKSON, PRO-SE  
REG.NO# 00575-007  
U.S.P. LEWISBURG.  
POST OFFICE BOX 1000  
LEWISBURG, PA. 17837.